

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

UNITED STATES OF AMERICA

VS.

CAUSE NO. 3:13CR34HTW-LRA

AARON CHARLES HARRIS

MOTION TO CONTINUE

COMES NOW Defendant Aaron Charles Harris and respectfully moves this Court to continue his trial currently scheduled for May 2, 2016, and in support would show the following.

1.

Aaron Charles Harris is charged in a one-count indictment with being a previously convicted felon in possession of a firearm, in violation of Title 18 United States Code § 922(g)(1). He was arraigned on November 19, 2015, and a Discovery Order was entered on that date.

2.

On December 18, 2015, undersigned counsel was provided notification that the initial discovery in this matter was available to be picked up at the United States Attorney's Office. Additional discovery was provided at later dates relating to the arrest of Mr. Harris after the return of this indictment and the seizure of what the government contends is evidence that is admissible under Rule 404(b) of the Federal Rule of Evidence.

3.

At no time prior to today, May 1, 2016, did the discovery provided to defense counsel include the "Firearms Trace Summary" for the Glock Model 30 alleged to have been possessed

by Mr. Harris.

4.

On today, May 1, 2015, while preparing for trial the undersigned requested, and was provided, the “Firearms Trace Summary.” Upon receiving and reviewing the report the undersigned learned that the request date by agents for the summary was July 5, 2015, the completion date was July 9, 2015, and the print date was February 11, 2016.

5.

In reviewing that report the undersigned learned that the original purchaser of the firearm resided on Deason Drive in Jackson, MS, or less than 7 miles where the actions that give rise to this allegation occurred.

6.

Significantly, that is the same distance to where the uncharged individual in this matter, Joshua Lofton, resides.

7.

Undersigned has learned from the government that the original purchaser of the firearm was interviewed at some date by government agents. However, undersigned has met resistance in obtaining the report of interview from the government and has not received it as of this filing.

8.

Under *Strickland v. Washington*, an attorney has a “duty to make reasonable investigations.” 466 U.S. 668, 691 (1984). Because the “Firearms Trace Summary” was provided the day before trial and included the name of an individual who lives near where the allegations in the indictment occurred, defense counsel has a duty to investigate this matter further.

WHEREFORE, for the foregoing reasons, Mr. Harris respectfully asks this Court to grant this Motion for Continuance.

Respectfully submitted this the 1st day of May, 2016.

AARON CHARLES HARRIS, DEFENDANT

By: Dennis Joiner  
Federal Public Defender

*s/Michael L. Scott*

Michael L. Scott  
Assistant Federal Public Defender  
Northern and Southern Districts of Mississippi  
200 South Lamar Street, Suite 200-N  
Jackson, MS 39201  
Telephone: (601) 948-4284  
Facsimile: (601) 948-5510

*Attorney for Defendant*

**CERTIFICATE OF SERVICE**

I, Michael L. Scott, hereby certify that I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to all parties of record.

This the 1st day of May, 2016.

*s/Michael L. Scott*  
Michael L. Scott  
*Assistant Federal Public Defender*